

COON RAPIDS CITY COUNCIL MEETING MINUTES OF JULY 15, 2014

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street told Council that he did not ask why the old building at the golf course was replaced as part of his comments at the July 1, 2014 meeting. Mr. Pierce then said he does not think the golf course should pay for repairs at the Harvest Grill. Mr. Pierce clarified that he had said at the July 1, 2014 meeting that he felt there were no problems at the golf course for 30 to 40 years and there have been many problems in the three years since the new building was built.

No one else wished to speak.

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of July was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, July 15, 2014, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Ron Manning, Paul Johnson, Jerry Koch, Bruce Sanders and Steve Wells

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. COON RAPIDS FIRE DEPARTMENT PRESENTATION OF \$20,244 TO MUSCULAR DYSTROPHY ASSOCIATION

Fire Chief Piper discussed the important research being completed by the Muscular Dystrophy Association (MDA). He indicated fire fighters have been working with this organization since 1952.

Chief Piper presented the Muscular Dystrophy Association with a check for \$20,244 that the Coon Rapids Fire Department collected during the 4th Annual Fill the Boot campaign held June 23 through June 25, 2014. He thanked Anoka County Commissioner Schulte, City Manager Gatlin, Public Works Director Himmer and the entire community for their generous support during the Fill the Boot campaign.

Pat with the Muscular Dystrophy Association, thanked the Coon Rapids Fire Department for their efforts during their recent campaign. She said she appreciated the 60 years of partnership that the MDA has had with local fire departments. She explained that the funds raised would stay in the community. A round of applause was offered by all in attendance.

2 APPROVAL OF MINUTES OF PREVIOUS MEETINGS

JULY 1, 2014, COUNCIL MEETING

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KOCH, FOR APPROVAL OF THE MINUTES OF THE JULY 1, 2014, COUNCIL MEETING. THE MOTION PASSED 6-0 (MANNING ABSTAINED).

CONSENT AGENDA/INFORMATIONAL BUSINESS

3. ADOPT RESOLUTION 14-73, DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL AND ORDERING PUBLIC HEARING FOR AUGUST 6, 2014, TO CONSIDER MISCELLANEOUS ASSESSMENTS
4. APPROVE TEMPORARY ON-SALE 3.2 MALT LIQUOR LICENSE FOR THE AMERICAN LEGION POST 334 ON AUGUST 2, 2014 FOR THE AMERICAN LEGION ANNUAL PICNIC
5. APPROVE TEMPORARY ON-SALE 3.2 MALT LIQUOR LICENSE FOR HOPE4YOUTH FOR THE RUM RIVER MUSIC FEST AT SAND CREEK PARK ON JULY 19, 2014
6. INFORMATIONAL ITEM INFORMING COUNCIL OF CORPORATE OFFICER CHANGE AT TEXAS ROADHOUSE, INC.
7. APPROVE CLASS A ON-SALE AND SUNDAY LIQUOR LICENSE FOR DIGGITY, LLC AT 133 COON RAPIDS BOULEVARD
8. ADOPT RESOLUTION 14-74, A RESOLUTION CONCURRING WITH THE ISSUANCE OF A GAMBLING PREMISES PERMIT FOR COON RAPIDS YOUTH HOCKEY ASSOCIATION AT CHANTICLEAR PIZZA AT 11706 CROOKED LAKE BOULEVARD
9. ADOPT RESOLUTION 14-76, A RESOLUTION CONCURRING WITH ISSUANCE OF A GAMBLING PREMISES PERMIT FOR COON RAPIDS NATIONAL LITTLE LEAGUE AT SAMMY'S PIZZA D/B/A 54 LOUNGE AT 445 99TH AVENUE NW, SUITE 54

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

10. OPEN MIC REPORT – JERRY PIERCE, 12236 PARTRIDGE STREET, RE: BUNKER HILLS CLUBHOUSE

Mayor Howe discussed Mr. Pierce's comments made during Open Mic at the July 1, 2014 Council meeting.

PUBLIC HEARING

11. PUBLIC HEARING TO CONSIDER ORDINANCE 2122, AN ORDINANCE AMENDING SECTION 1-4000 OF THE CITY'S CHARTER:

- A. CONDUCT PUBLIC HEARING
- B. ADOPT ORDINANCE 2122, AN ORDINANCE AMENDING CHAPTER 1-4000 NOMINATIONS AND ELECTIONS; OR ALTERNATIVELY
- C. OPEN PUBLIC HEARING AND CONTINUE TO AUGUST 6, 2014 CITY COUNCIL MEETING

The Staff report was shared with Council.

Mayor Howe discussed the proposed changes that would be made regarding write-in votes.

Councilmember Sanders noted that the City amendment coincided with both State and Federal law.

Mayor Howe opened the public hearing at 7:20 p.m.

Jeffrey Cause, 3049 116th Avenue NW, asked if there was a fee for write-in candidates. Mayor Howe stated there was no fee for write-in candidates and their names would not be on the ballot.

Allan Williams, 10774 Yellowpine Street, suggested a fee be charged for write-in candidates to eliminate superfluous candidates.

Mayor Howe closed the public hearing at 7:22 p.m.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT ORDINANCE 2122, AN ORDINANCE AMENDING CHAPTER 1-400 NOMINATIONS AND ELECTIONS. THE MOTION PASSED UNANIMOUSLY.

12. PUBLIC HEARING TO CONSIDER VACATION OF UTILITY AND DRAINAGE EASEMENT NEITGE ADDITION:
 - A. CONDUCT PUBLIC HEARING
 - B. ADOPT RESOLUTION 14-72 VACATING UTILITY AND DRAINAGE EASEMENTS NEITGE ADDITION
-

The Staff report was shared with Council.

Mayor Howe opened and closed the public hearing at 7:23 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 14-72 VACATING THE UTILITY AND DRAINAGE EASEMENTS OVER PORTIONS OF PROPERTY LOCATED IN NEITGE ADDITION. THE MOTION PASSED UNANIMOUSLY.

BID OPENINGS AND CONTRACT AWARDS

13. CONTRACT AWARD FOR BOULEVARD PARK SITE GRADING – PROJECT 14-26:
 - A. AWARD CONTRACT TO SAUTER & SONS, INC. IN THE AMOUNT OF \$62,000.00
-

The Staff report was shared with Council.

Councilmember Koch questioned which trees would be removed through this contract. Public Works Director Himmer stated there were small scrub trees on the Firestone site that would be removed.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KOCH, TO AWARD A CONTRACT TO SAUTER & SONS, INC. IN THE AMOUNT OF \$62,000.00. THE MOTION PASSED UNANIMOUSLY.

14. CONTRACT AWARD FOR PURCHASE AND INSTALLATION OF THREE ROOF TOP HVAC UNITS:
 - A. AWARD CONTRACT TO MCDOWELL COMFORT MANAGEMENT IN A TOTAL OF \$202,587
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO AWARD THE CONTRACT FOR THE PURCHASE OF THREE ROOF TOP HVAC UNITS -

MATERIALS AND EQUIPMENT TO MCDOWALL COMFORT MANAGEMENT IN THE AMOUNT OF \$159,250 AS WELL AS AWARD THE CONTRACT FOR THE INSTALLATION OF THE THREE ROOF TOP UNITS TO MCDOWALL COMFORT MANAGEMENT IN THE AMOUNT OF \$43,337, FOR A GRAND TOTAL OF \$202,587 FOR THE ENTIRE PROJECT. THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

None.

NEW BUSINESS

15. CONSIDER EMERGENCY VEHICLE PREEMPTION SYSTEM AT FIRE STATION NO. 3:
 - A. APPROVE INSTALLATION OF PUSH BUTTON AT FIRE STATION NO. 3 FOR EVP SYSTEM AT 113TH AVENUE AND CROOKED LAKE BOULEVARD;
 - B. ADOPT RESOLUTION NO. 14-75, A RESOLUTION AMENDING THE BUDGET FOR FIRE STATION NO. 3 TO ALLOW FOR EVP SYSTEM PUSH BUTTON
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, TO AUTHORIZE THE INSTALLATION OF A PUSH BUTTON AT FIRE STATION NO. 3 FOR THE EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEM FOR THE TRAFFIC LIGHT AT 113TH AVE AND CROOKED LAKE BLVD; AND ADOPT RESOLUTION NO. 14-75 AMENDING THE BUDGET FOR FIRE STATION NO. 3 TO INSTALL THE PUSH BUTTON FOR THE EMERGENCY VEHICLE PREEMPTION SYSTEM. THE MOTION PASSED UNANIMOUSLY.

16. CONSIDER RENTAL LICENSE DENIAL APPEAL FOR JEFF KAITZ, 990 120TH LANE NW
-

The Staff report was shared with Council.

Councilmember Koch explained the felony was reduced to a misdemeanor after sentencing 12 years ago. He asked if the applicant had any other convictions since 2003. Police Chief Wise commented that Mr. Kaitz has had no other convictions.

Mayor Howe questioned if the applicant truly falsified information. Police Chief Wise read the case and sentencing information from Mr. Kaitz and noted there was a gray area.

Councilmember Wells clarified that under Minnesota law, his incident was consider a misdemeanor. Police Chief Wise believed this to be the case today, however the original criminal elements were a felony in 2003.

Jeff Kaitz, 624 First Avenue NE in Osseo, thanked the Council for allowing him to speak. He explained he co-owned 10 properties and managed each himself without incident. He reported that each of his properties have received a crime free certificate and each has been licensed and inspected. Mr. Kaitz did not realize the severity of the misstatement on his application. He claimed he was charged with vandalism 12 years ago due to the embarrassment and guilt of the occurrence that took place when he was 18. It was his understanding that his arson charges had been reduced from a felony to a misdemeanor. He explained he has fulfilled all of his probation obligations including 800 hours of community service and paying over \$40,000 in restitution.

Mr. Kaitz indicated he was a family man and a business man, not a criminal. He reported he has been with his wife for 14 years and married to her for the past seven. He appreciated the support that his wife has given him over the past 14 years. He noted he has two boys, three years and nine months old. He indicated his business was co-owned with his father, and his father would be submitting a rental license application. He requested the Council understand that he is not the man that he was 12 years ago and allow him to reapply for a rental license as the man that stands before the Council this evening.

Mayor Howe thanked Mr. Kaitz for his comments.

Councilmember Koch asked if Mr. Kaitz had to reapply. City Attorney Brodie commented Mr. Kaitz would not have to reapply for the rental license. Neighborhood Coordinator DeGrande stated a criminal background check would have to be completed on Mr. Kaitz's father as well as Mr. Kaitz's wife.

Councilmember Sanders clarified that the action being taken by the Council this evening was on the present application.

Councilmember Manning questioned if the applicant's request for a rental license were denied if he would be able to reapply. City Attorney Brodie stated Mr. Kaitz would not be allowed to reapply.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO UPHOLD THE APPEAL AND APPROVE A RENTAL LICENSE FOR JEFF KAITZ, PROPERTY OWNER OF 990 120TH LANE NW.

Councilmember Koch asked if the Council had to state any findings for granting the rental license. City Attorney Brodie requested that the Council list findings as discussion in support of the request.

Councilmember Sanders included as part of the discussion of this case findings in support of the request noting the applicant has had no other criminal convictions, has documented his rehabilitation

since his conviction, there was no reason to believe an occurrence would happen again and this request had nothing to do with the Koskinen law.

Mayor Howe recommended that the record reflect the felony was reduced to a misdemeanor.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

Councilmember Manning thanked the Council for their support over the last weeks. He discussed the superior medical service he received at Mercy Hospital.

Mayor Howe mentioned the Coon Rapids Little League would be holding a fundraiser in honor of Paul Perez for the Paul Perez Scholarship Fund.

ADJOURN

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, TO ADJOURN THE MEETING AT 7:50 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Joan Lenzmeier, City Clerk